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11

12 **UNITED STATES DISTRICT COURT**
13
DISTRICT OF NEVADA

14 BRIAN SCIARA,

15 Plaintiff,

16 v.

17 STEPHEN CAMPBELL,

Defendant.

18 CASE NO.: 2:18-cv-01700-RFB-CWH

19
STIPULATION TO STAY CERTAIN
PROCEEDINGS PENDING CONTINUED
SETTLEMENT DISCUSSIONS

20 Plaintiff Brian Sciara (“Sciara”) and defendant Stephen Campbell (“Campbell”) stipulate
21 and agree as set forth in paragraphs 1 - 12 below, and respectfully request that the Court enter an
22 order thereon. This stipulation is made with reference to the following background facts: On
23 March 20, 2019, the parties entered into a stipulation, and the Court entered an order thereon,
24 staying the pendency of this case (the “Nevada Case”) and its related Arizona case, Case No.
25 2:19-cv-01349-PHX-DJH (the “Arizona Case”), up and until the parties’ mediation to be held
26 April 24, 2019. ECF Nos. 25, 26 and 27. A mediation was conducted by the Honorable Carl W.
27 Hoffman,, Jr. on that date. This stipulation and request for order is a result of the mediation held
28 on April 24, 2019.

1 1. **Valuation Experts.** Sciara and Campbell (collectively, the “Parties”) will each
2 identify and retain business valuation expert(s) (the “Expert” or “Experts”)¹ within **fourteen (14)**
3 **calendar days** of April 26, 2019, or no later than May 10, 2019;

4 2. **Required Exchange of Documents.** The Experts shall identify what documents
5 or records they will require in order to reach their requested opinions within **ten (10) calendar**
6 **days** of being identified by the Parties, or no later than **May 20, 2019**. As part of the Experts’
7 identification of documents and records, Sciara and Campbell shall each give a written
8 statement, under oath, that identifies all personal and business bank accounts over which they
9 have possession, custody, or control during the times relevant to this case;

10 3. **Receipt of Required Documents.** The Experts will receive the identified
11 documents and records from either Sciara or Campbell within **ten (10) calendar days** of
12 submitting their lists of required documents and records, or no later than **May 30, 2019**. The
13 Experts shall be entitled to receive the same set of documents and records from both Sciara and
14 Campbell and shall work from that set of documents, only in forming their opinions;

15 4. **Disputes regarding Required Documents.** After counsel for the Parties attempt
16 to resolve any dispute(s) by telephone conference, unresolved disputes arising between the
17 Parties and/or the Experts regarding the requested documents or records shall be presented to the
18 settlement judge, the Honorable C.W. Hoffman, Jr., for resolution by letter brief;

19 5. **Expert Reports.** The Experts shall prepare written reports, based upon their
20 review of the documents exchanged pursuant to Paragraphs 2 and 3 above as well as any
21 pleadings filed in the Nevada and Arizona cases, all transcripts from any deposition taken in the
22 Nevada Case, all declarations filed in the Nevada Case, describing their opinions within **thirty**
23 **(30) calendar days** of receiving the documents and records from Sciara and Campbell, or no
24 later than **July 1, 2019**. After the Experts complete their written reports, the Experts will share
25 their reports with the Parties and each other on that same date, or **Monday, July 1, 2019**;

26 1The Parties recognize that these Experts will be initially deemed consulting experts for purposes of settlement only
27 though each Party has the right designate their own Expert as a testifying expert for trial purposes. Each Party’s
28 final expert report will not be discoverable after these settlement discussions unless that party designates his expert
as a testifying expert at trial.

1 6. **Required Conference regarding Expert Reports.** After receiving the Experts'
2 written reports, the Experts will have five (5) calendar days, or no later than **Monday, July 8,**
3 **2019**, to confer to determine if they can agree on the valuations of (1) Sprout Financial, LLC,
4 and its alleged subsidiaries/affiliates, and (2) the alleged damages Mr. Sciara has caused Sprout
5 Financial, LLC, and its alleged subsidiaries/affiliates from August 31, 2018, to present;

6 7. **Court Conference.** If the Parties cannot reach a settlement based upon the
7 Experts' opinions, the Parties shall submit the Experts' reports to the Court and the Honorable
8 C.W. Hoffman, Jr. and the Parties will reconvene on **July 19, 2019, at 9:00AM** in the Honorable
9 C.W. Hoffman, Jr.'s chambers to determine the possibility of settlement. The parties must
10 submit a joint status report to the Honorable C.W. Hoffman, Jr. by facsimile at 702-464-5581 by
11 **July 5, 2019** in advance of these settlement discussions;;

12 8. **Consent to Trial by Magistrate Judge.** If no settlement is reached, the
13 parties agree that they will each file consent to trial by magistrate judge;

14 9. **Stay of All Proceedings.** Through the pendency of this settlement process, all
15 proceedings in the matter before this Court, with the exception of resolution of Campbell's
16 Motion to Dismiss (ECF No. 5), as well as all the proceedings in the matter before the U.S.
17 District Court for the District of Arizona shall be stayed;

18 10. **Resetting Discovery Dates.** Discovery dates will be reset after the conclusion of
19 this settlement process based upon remaining discovery time under the Parties' stipulation dated
20 March 20, 2019; and

21 11. This stipulation is offered in good faith and not for the purpose of delay.

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1 12. **Confidentiality.** Throughout the pendency of this settlement process, all
2 settlement communications, documents, records, and reports shall remain confidential.

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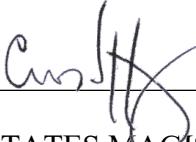
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25 IT IS ORDERED that the parties' stipulation (ECF No. 29) is GRANTED in part and
26 is DENIED in part. It is denied to the extent the parties seek to stay the Arizona
27 case. The parties are directed to file a stipulation to stay in the Arizona case. The
28 stipulation is granted in all other respects.

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30 _____
31 UNITED STATES MAGISTRATE JUDGE

32 DATED: May 1, 2019

33 CASE NO.: 2:18-cv-01700-RFB-CWH